

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

John Doe.

Plaintiff,

v.

Baila Sebrow

Defendant

Case No. 2:21-cv-20706

**AFFIDAVIT OF SERVICES PURSUANT TO UNITED STATE MAGISTRATE JUDGE
EDWARD S. KIEL'S DECEMBER 21, 2022, ORDER**

1. I am a partner at the law firm of Daniel Szalkiewicz & Associates, P.C, and make this declaration pursuant to the Court's December 21, 2022 Order.

2. I was admitted to practice in the States of New York and New Jersey in 2010 and have practiced continuously since then. Together with Cali Madia, we have been the partners involved in this lawsuit and we have represented Plaintiff in all phases of this litigation.

3. I have been responsible for reviewing the time records in this case from its inception to the present. I am familiar with the activities that the attorneys and staff have performed in representing the plaintiff. I am also familiar with the time and cost of those activities.

4. Attached as Exhibit "1" to this declaration are true and correct copies of time entries for services rendered in this matter by myself relating to: the preparation of the settlement memorandum, preparation for the conference, and attendance at the conference. These entries represent contemporaneous billing records for this matter. The time entries contain sufficient detail of the task performed to show that the amount of time expended for the work described

was reasonable. Moreover, given my role in the case, familiarity with the work performed, and my experience, as further described below, I have personal knowledge that the amount of time expended was reasonable.

5. As described in detail below, the lodestar for the work by, and not including the the drafting of this certification, is \$4,815.00.

6. My co-counsel, Abraham Borenstein, Esq., of Borenstein, McConnell & Calpin, P.C., has submitted a certification detailing that he spent 10 hours preparing for the conference, meeting with the client, review the settlement memorandum, and other tasks relating to the settlement conference. Mr. Borenstein billable rate is \$600.00 but is charging a reduced rate of \$500.00 an hour for a total of \$5,000.00.

7. Over the course of this litigation, our customary hourly billing rate is \$500.00. However, we have agreed to reduce our rate to \$450.00 for the Plaintiff given the level of harassment he faced from the defendant.

8. The rates charged by each attorney were the customary and normal rates charged to other clients at the times each of the services was performed. Because our billing rates are based on market conditions, I believe that the rates we charged reflected rates for similarly qualified attorneys in New York and New Jersey.

9. Both the hours spent by us and the rates charged for those hours are reasonable and were necessary for the representation of Plaintiff in this case. Because the rates and number of hours were reasonable, the total lodestar amount is also reasonable.

10. Had we not been representing Plaintiff in this matter, our attorneys would have been fully utilized on other billable client work.

11. It is therefore respectfully requested that Plaintiff be awarded a judgment in the amount of \$9,815.00 for services rendered relating to the settlement conference.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated: December 28, 2022
New York, New York

/s/Daniel S. Szalkiewicz
By: Daniel S. Szalkiewicz, Esq.